IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 141 OF 2006
IN
FAMILY COURT APPEAL NO. 9 OF 2005

Mrs. Sonia Sanjay Seth] .. Applicant (Ori.Respondent)

Versus

Mr. Sanjay Prannath Seth] .. Respondent (Ori.Appellant)

Mr. R.V. Govilkar for the applicant.

Mr. K.S. Patil for respondent.

CORAM: R.M. LODHA &
S.J. VAZIFDAR, JJ.

DATED: 17TH JULY, 2006

P.C. :

. Heard.

2. Though diverse prayers have been made in the Civil Application, the counsel for the applicant (wife) pressed only two reliefs viz. 1) That the original appellant (husband) be restrained from visiting St. Mary's Convent High School, Mulund (West) where their daughter Disha is studying and 2) The Appeal be heard at an early date.

3. It transpires from the order dated May 5, 2006 that the parties agreed that on every Saturday the children (Mahek and Disha) will be taken to the Municipal Garden, Mulund East between 4.00 p.m. and 6.00 p.m. and both the parents will have access to the children. This arrangement was ordered to continue until further orders.

4. We are informed that this arrangement of the parents having access to the children between 4.00 p.m. and 6.00 p.m. at Municipal Garden, Mulund East continues without any hindrance or impediment by either of the parties.

5. Obviously in view of the order dated 5th May, 2006 the original appellant (husband) should not visit the School where the child Disha is studying. As a matter of fact, the counsel for the original appellant (husband) made a categorical statement before us that the original appellant has not visited the School and that the allegation levelled by the wife is false. The counsel for the original appellant (husband) also submits that the original appellant shall not visit the School where the child Disha is studying. We accept the statement of the counsel for the original appellant and

in view thereof, we are satisfied that no restraint order needs to be passed.

6. At this stage, the counsel for the parties submit that timing of access as directed in the order dated 5th May, 2006 be modified from 4.00 p.m. to 6.00 p.m. to 5.00 p.m. to 7.00 p.m. on every Saturday. As jointly prayed, the timing for access to the children is now changed from 4.00 p.m. to 6.00 p.m. to 5.00 p.m. to 7.00 p.m.

7. We are informed that hearing of the appeal has already been expedited. In this view of the matter, we direct the office to post the Appeal for final hearing on 7th August, 2006.

8. Civil Application stands disposed of.

Sd/-
[R.M. LODHA, J.]

Sd/-
[S.J. VAZIFDAR, J.]